

SENATE BILL 3861

By Harper

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 86, Part 1, relative to authorizing application of the emergency telephone service charge to non-wireline services that connect callers to public safety answering points.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-86-102(b)(3), is amended by deleting the subdivision in its entirety, and by substituting instead the following new language:

(3) The general assembly further finds that the rapid technological advancement in the area of telecommunications has provided the public with non-wireline communications services, including commercial mobile radio service (CMRS) and IP-enabled service. The general assembly also finds that in recent rules and orders, the federal communications commission has mandated wireless enhanced 911 service for all CMRS users and subscribers, contingent upon the authorization and establishment of a mandated cost recovery mechanism for both CMRS providers and emergency communications districts by the general assembly. The FCC also has addressed enhanced 911 service requirements for IP-enabled service. The general assembly recognizes that all subscribers and users of non-wireline services, including CMRS and IP-enabled service, should share equally in the benefit of 911 service and should participate in the funding of the service.

SECTION 2. Tennessee Code Annotated, Section 7-86-103, is amended by adding the following language as a new subdivision (9), and by redesignating the subsequent subdivisions accordingly:

(9) "IP-enabled services" mean services and applications making use of Internet Protocol ("IP") including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless, and satellite facilities and services and applications that may be provided in the future through platforms not widely used at present;

SECTION 3. Tennessee Code Annotated, Section 7-86-103, is further amended by adding the following language as a new subdivision (11), and by redesignating the subsequent subdivisions accordingly:

(11) "Non-wireline service" means any service provided by any person, corporation or entity, other than a service supplier as defined in this part, that connects a caller dialing the 911 digits to a public safety answering point including, but not limited to, commercial mobile radio service and IP-enabled services;

SECTION 4. Tennessee Code Annotated, Section 7-86-103, is further amended by deleting subdivision (16) in its entirety, and by substituting instead the following:

(16) "Wireless enhanced 911 service" means 911 service provided with location and number identification technology for users of non-wireline service, as defined in this part including, but not limited to, wireless enhanced 911 service as set forth in the federal communications commission order.

SECTION 5. Tennessee Code Annotated, Section 7-86-108(a)(1)(B), is amended by adding the following as a new subdivision:

(B)(vi) Effective April 1, 2006, the provisions of this subdivision (a)(1)(B) shall apply to all subscribers and users of non-wireline service to the extent such application is not inconsistent with the rules and regulations of the federal communications commission.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.